

APPEALS TO WASHINGTON

Transition Cases Go to Highest Court.

(From Saturday's daily.)

The Supreme Court of the United States will decide the question of the legality of the transition period cases, the appeal to that tribunal having been allowed by Judge Morris M. Estee of the United States District Court yesterday.

The question is one of the gravest importance to Hawaii as upon it depends not only the mere fact of the right of wrongful imprisonment of some forty prisoners but also the exact interpretation of the Newlands resolution by which these islands became a part of the United States. In no other way is it possible to settle the legal differences of the various courts of the Hawaiian Islands.

The appeal is taken from the decision of Judge Estee in releasing Osaiki Mankichi on writ of habeas corpus, holding at the same time that a conviction without grand jury presentment and by a majority verdict is illegal and void.

The Supreme Court of Hawaii took the opposite view of the cases and held, Judge Galbraith dissenting, that these convictions were valid and the territorial laws in so far as they related to criminal jurisdiction were not affected by the Newlands resolution.

ASSIGNMENT OF ERRORS.

The assignment of errors upon which the appeal is based was signed by Judge Estee yesterday and the appeal will be perfected today. It is alleged in this assignment:

That the United States District Court erred in granting the writ of habeas corpus in the case of Osaiki Mankichi. That the court erred in assuming jurisdiction of the matter.

That the court erred in holding that the fifth and sixth amendments to the Constitution of the United States were in effect in Hawaii during the transition period.

That the court erred in holding the sentence of the Circuit Court which passed upon the case of this defendant to be null and void. And for such other errors as may be contained in the finding of the court.

THE APPEAL.

The following is the formal notice of appeal on the part of the Territory:

IN THE MATTER OF THE APPLICATION OF OSAIKI MANKICHI FOR A WRIT OF HABEAS CORPUS.

APPEAL.

The Territory of Hawaii, by its attorney, Edmund P. Dole, Attorney General of said Territory, feeling itself aggrieved by the order and judgment entered on the 12th day of September, 1901, in the proceeding aforesaid, does hereby appeal from the said order to the Supreme Court of the United States, and prays that its appeal may be allowed and a transcript of the record of proceedings and papers upon which said order is made, duly authenticated, may be sent to the Supreme Court of the United States of America.

EDMUND P. DOLE,
Attorney General for the Territory of Hawaii.

NOTICE TO DEFENDANT.

F. M. Brooks is the attorney for Osaiki and yesterday he was served with the following notice:

United States of America—The President of the United States to Osaiki Mankichi and F. M. Brooks, his attorney, greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States of America at the city of Washington in the District of Columbia, within thirty days from the date of this writ, pursuant to an appeal filed in the clerk's office for the Territory of Hawaii; wherein the Territory of Hawaii is appellant and you are appellee, to show cause, if any there be, why the order and judgment in said appeal mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness:
THE HONORABLE MELVILLE W. FULLER,
Chief Justice of the Supreme Court of the United States of America.

This 11th day of November, in the year of our Lord one thousand nine hundred and one, and of the independence of the United States the one hundred and twenty-fifth.

United States District Judge of the Territory of Hawaii.

Attest:

Clerk, District Court of the United States, for the Territory of Hawaii.

This morning the appeal will be perfected by the Attorney General and quite likely Judge Estee will fix bail under which Osaiki may secure his freedom pending the decision on appeal.

The appeal papers will be sent to Washington on the Sierra next Tuesday with a request to Attorney General Knox to have the case set for hearing as soon as possible. As matters of this kind are always given precedence over less pressing cases it is possible that it may be taken up within two or three months. Attorney General Dole will probably go on to Washington to present the arguments for the Territory, and F. M. Brooks, who has been anticipating a trip to the East, will appear for the defendant.

The courts here are at sixes and sevens over the transition period cases and the only way to settle these differences of judicial opinion is through an appeal to the United States Supreme Court and for that reason the appeal is made directly to Washington.

LI HUNG CHANG IS DEAD.



PEKING, Nov. 7.—Li Hung Chang died at 11 o'clock this morning.

At midnight last night Li Hung Chang rallied slightly. His family had installed native doctors in charge of the patient, the regular physicians having refused to attend him unless the Chinese doctors were dismissed.

At 9 o'clock last evening Earl Li was still breathing and displaying unexpected vitality. The burial clothes had already been put on. The courtyard of the yamen was filled with life-size paper horses and chairs, with couplet banners, which his friends had sent, in accordance with Chinese custom, to be buried when he died, in order to carry his soul to heaven. Several of the ministers of the powers called to express sympathy.

The Chinese officials are somewhat uneasy concerning the effect his death will have on the peninsula, and to guard against a possible anti-foreign demonstration the Chinese generals have dispersed their troops about the city in such a way as to command the situation.

The wife of Earl Li and his two sons and daughter were with him. They are greatly distressed.

Chinese officials through the yamen telegraphed have been sent summoning Prince Ching, who is now on his way to meet the court, and Chou Fu, provincial treasurer, from Pao-tung-fu.

The former will assume the general charge of government affairs, and the latter will act as governor of Chihli until Li Hung Chang's successor in that office, who will probably be Yuan Shi Kai, is appointed.

Robert Colman, an American, who is one of the physicians attending Li, told the correspondent that when he was called to act with Dr. Velde of the German legation, November 1st, he found the patient very weak from a severe hemorrhage due to ulceration of the stomach.

"The hemorrhage was readily controlled," said Dr. Colman, "but owing to the underlying condition of chronic gastritis with persistent nausea only the mildest liquid food could be digested. Yesterday he was cheerful and without pain, but at 2 o'clock this morning he became unconscious and was no longer able to get rid of the collection of mucus which he had from his stomach. Death is expected shortly, owing to symptoms supervening upon gradual carbonic acid poisoning."

Earl Li's persistent refusal to refrain from attending to government business has aggravated his malady, while the refusal of the family to permit certain measures customary in western medical practice for relieving the stomach have contributed to bring his end near.

agreement for the time of passenger trains between the two cities.

This is the first break that has occurred in the time agreement and railroad men consider it the opening gun of a fight to be expected between the combinations and the independents.

It is expected that in the event war is inaugurated as threatened time between Chicago and St. Paul will be reduced from thirteen hours twenty minutes to ten hours.

LONDON, Nov. 7.—A dispatch from Yokohama, published in the second edition of the London Times, says the failure to sell bonds to the amount of 50,000,000 yen in America has temporarily shocked the stock exchange, where an influx of foreign capital was expected.

The Japanese government has adopted a new plan to provide capital for the extension of the railways and telegraphs which are now yielding a profit of 7 per cent. It proposes selling immediately 15,000,000 yen in bonds to the Postal Savings Bank, appropriating the surplus revenue to the railways and telegraphs, and providing for gradual sales of bonds in the domestic markets.

Foreign money will not be sought, except on favorable terms, as the steady inflow of gold, resulting from prosperous trade, has a fine harvest also rendered easy domestic financial operations.

The latest news of the Boer war is in dispatches from Pretoria and London of date Nov. 7, as follows:

General Buller, in conjunction with a command of 1,000 men, attacked Colonel Benson's rear guard October 20, on the march and captured two guns. Colonel Benson fell mortally wounded early in the fight. Major Woods-Sampson then collected a convoy and made a defense near the Boer entrenchments. Neither side could touch the captured guns. The Boers repeatedly charged right up to the British lines, but were driven back with heavy losses. Colonel Barker brought relief on Nov. 1. Both sides shared personally in the fighting. Kitchener cables the Boer loss was 4 killed, including General Opperman, and 100 wounded. Boers got nothing beyond the guns. He states the Boer attack was easily repulsed until the arrival of 19th.

NEW YORK, Nov. 7.—Additional news received by the London Times and the New York Times from St. Petersburg announce that the last rail of the Northern Manchurian Railway was laid on Monday, the anniversary of the coronation of Emperor Nicholas. The line connects Vladivostok with the great Siberian Railway. It is expected that it will be opened in a few months, and it will greatly shorten the journey to the Far East. The only break in the journey from Moscow to Vladivostok will be Lake Balkal. The construction of the railroad around the lake will not be finished for some time. The line connecting Port Arthur with the Northern Manchurian Railway is now open.

THE BEST REMEDY FOR DIARRHOEA.

"Some years ago while at Marlinsburg, W. Va., I was taken with cholera morbus, which was followed by diarrhoea. The doctor's medicine did me no good. I was advised to get a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy, which I did, and it cured me sound and well."—G. A. Morris, Embreeville, Pa., U. S. A. Sold by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaii Territory.

CHICAGO, Nov. 7.—A time war is in sight among the railroads operating between Chicago and St. Paul. Vice President Bird of the Milwaukee and St. Paul road has given written notice to the managers of the other Chicago-St. Paul lines that the St. Paul company would consider itself no longer a party to the

SUSPECTED OF MURDER

Man in Oahu Jail Said to Be Wright.

PROVO, Utah, Oct. 31.—Sheriff Storrs received a letter today from the Grannan Detective Bureau of Cincinnati, which brings news of a man supposed to be George H. Wright, the man who is accused of the murder of three young men at Pelican Point, this county, in 1895. The letter from the detective agency contains a letter received by the agency from Lorrin A. Andrews, United States Deputy Marshal of Hilo, Hawaii. Mr. Andrews writes that Wright is in jail in Hilo, having been arrested in Honolulu for "gross fraud," as he was about to leave on the steamer Australia for San Francisco.

Mr. Andrews is so sure that he has Wright under arrest that he asks to have requisition papers forwarded, and says he will bring the prisoner to San Francisco or to Provo. He has identified the man from descriptive matter sent out by Grannan agency, and, as Mr. Grannan writes, it seems impossible for an experienced officer to have made a mistake, for copies of Grannan's picture of Wright and the descriptive matter accompanies the letter, and the picture is a very correct likeness and the description very accurate.

Sheriff Storrs has written Marshal Andrews, asking that the prisoner be held and that a photograph of the prisoner be sent him.

The sheriff has received so many letters from officers and amateur detectives, who were positive they had Wright located that he will not be very greatly disappointed if this report proves to be another case of mistaken identity, but at the same time he feels that there is little chance for an officer to be so sure as Mr. Andrews seems to be, considering his opportunities to identify Wright, and still be mistaken, and Sheriff Storrs is more hopeful of securing the man, for whom he has been hunting with never flagging zeal for five years.

High Sheriff Brown said yesterday that Sheriff Andrews believes that the identity of a prisoner now held in Oahu prison and that of the Pelican Point murderer is one and the same. Descriptive matter is now being awaited from the police authorities at Salt Lake, and upon receipt of the same, it will be decided whether or not the prisoner here is the much-wanted man.

The Pelican Point murder was an atrocious one. Three young men, who were occupying a cabin on the shores of Utah Lake near Provo, Utah, forty miles south of Salt Lake, were found dead one winter's day, all of them having been shot and mutilated, and suspicion was directed to Albert Hayes, their stepfather. Hayes was tried by jury, convicted and sentenced to death, which in Utah, is carried out at the muzzle of half a dozen rifles instead of upon the scaffold. Hayes protested his innocence. He was given a respite and a new trial, and this time sentenced to life imprisonment.

After serving two years of the sentence, news came to Salt Lake that a woman in New York had confessed to the police that her husband was the Pelican Point murderer, and gave graphic details of the occurrence.

The authorities were satisfied that the man whose name was Wright, was the murderer and not Hayes. The result of the investigation was that Hayes was granted his liberty and his entire innocence established. Wright in some way evaded the police.

LADY L II QUEEN OF SMALL CRAFT

The anniversary of King Kalakaua's birthday on Saturday was observed by a regatta of small yachts, in the harbor. The Viceroy, Prince David's boat, gaily belaguered, was the starting and finishing point of the race for the tiny craft.

At 9:30 a. m. the bunch of miniature single stickers were dispatched on their journey around the spar buoy. Each entry was escorted by a rowboat from which helping hands were from time to time extended to keep their charge from straying from the course. A fresh breeze favored the contest.

The Lady L II and Loxvallo each received a time allowance of twenty and twenty-five minutes, respectively.

The Lady L II soon after the start ran away and had to be retrieved with a gasoline launch.

The first boat to cross the line was the Lady L II, which made the journey in one hour and thirty minutes, winning the Hawaii Miniature Yacht Club cup and a prize of \$20. The Loxvallo was a good second as model yacht races go, finishing thirteen minutes after the leader.

The Kahaloanui, Wild Swan and Lady L II finished in the order named. All the boats finished inside the time limit of two hours.

The race was judged by William Blaisdell, Morris Keohokale and G. N. Shaw. E. K. Lilikalanu officiated as starter and timer.

In the evening there was a luau at the Princes' home, when the prizes were distributed.

Money for Hilo Roads.

J. A. Scott, chairman of the road board for the Hilo district, was in a happy mood yesterday morning after a conference with Superintendent Bird of the Department of Public Works, who arrived by the Kilauea. Mr. Scott had secured an authorization for \$10,000 for the repair of roads in the Hilo district. These funds will be immediately available, and will be applied to the repair of roads from Hakakau to Waialeale.—Hilo Herald.

All packages of reading matter intended for the use of enlisted men in the Philippines, will be sent on free, at the direction of the quartermaster general of the army. Such matter should be packed securely and sent at any time to the stone barracks, near Hotel and Miller streets, to the depot quartermaster.

BAD COMPLEXIONS

Dry Thin and Falling Hair and Red Rough Hands Prevented by CUTICURA SOAP.

MILLIONS use CUTICURA SOAP exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, in the form of baths for annoying irritations, inflammations, and chafings, or too free or offensive perspiration, in the form of washes, for ulcerative weaknesses, and for many sanative antiseptic purposes which readily suggest themselves to women, and especially to mothers, and for all the purposes of the toilet, bath, and nursery. No amount of persuasion can induce those who have once used it to use any other, especially for preserving and purifying the skin, scalp, and hair of infants and children. CUTICURA SOAP combines delicate emollient properties derived from CUTICURA, the great skin cure, with the purest of cleansing ingredients and the most refreshing of flower odors. No other medicated soap ever compounded is to be compared with it for preserving, purifying, and beautifying the skin, scalp, hair, and hands. No other foreign or domestic toilet soap, however expensive, is to be compared with it for all the purposes of the toilet, bath, and nursery. Thus it combines in ONE SOAP at ONE PRICE, the best skin and complexion soap, the best toilet and best baby soap in the world.

Complete External and Internal Treatment for Every Humour, Consisting of CUTICURA SOAP, to cleanse the skin and scalp of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to induce healthy itching and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. Sold throughout the world. Australian Depot: R. TOWNS & CO., Sydney, N. S. W. So. African Depot: L. S. L. L. L., Cape Town. How to have Beautiful Skin, Hair, and Hands, free. POTTER CORP., Boston, U. S. A., Sole Props., CUTICURA REMEDIES.

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DR. J. COLLIS BROWNE'S CHLORODYNE—Vice Chancellor SIR W. PAGE WOOD stated publicly in court that DR. J. COLLIS BROWNE was undoubtedly the INVENTOR OF CHLORODYNE; that the whole story of the defendant, Freeman, was deliberately untrue, and he regretted to say it had been sworn to. See the Times, July 18, 1891.

DR. J. COLLIS BROWNE'S CHLORODYNE is a liquid medicine which assuages PAIN OF EVERY KIND, affords a calm, refreshing sleep WITHOUT HEADACHE, and INVIGORATES the nervous system when exhausted. IS THE GREAT SPECIFIC FOR CHOLERA, DYSENTERY and DIARRHOEA.

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Dr. Gibbon, Army Medical Staff, Calcutta, states: "Two doses completely cured me of diarrhoea."

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N. B.—Every Bottle of Genuine Chlorodyne bears on the Government Stamp the name of the inventor, DR. J. COLLIS BROWNE. Sold in bottles, 1s 1/2d, 2s 6d and 4s 6d, by all chemists.

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1 7/8 in.	34 00	17 50	9 00
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NIPPON MARU	DEC. 18	COTIC	DEC. 10
PERU	DEC. 26	AMERICA MARU	DEC. 20
COTIC	JAN. 4	PEKING	DEC. 27
AMERICA MARU	JAN. 11	GAELIC	JAN. 3
PEKING	JAN. 18	HONGKONG MARU	JAN. 11
GAELIC	JAN. 28	CHINA	JAN. 20
HONGKONG MARU	FEB. 6	DORIC	JAN. 31
CHINA	FEB. 14	NIPPON MARU	FEB. 8

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